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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,840	10/22/2001	Todd R. Wagner	12587-019001	1829
26212	7590	11/12/2003	EXAMINER	
FISH & RICHARDSON P.C. 45 ROCKEFELLER PLAZA, SUITE 2800 NEW YORK, NY 10111			IRSHADULLAH, M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/014,840	WAGNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	M. Irshadullah	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This communication is in response to the correspondence filed July 22, 2003.

#### ***Summary Of Instant Office Action***

2. Applicant's arguments regarding claims 1-38 rejection under 35 U.S.C. 103, Paper No. 6, Office Action mailed April 15, 2003 have been considered, deemed unpersuasive and prior rejections are maintained.
3. New claims 39-41 have been entered.

#### ***Drawings***

4. Amendments to drawings as per Examiner's suggestion are appreciably acknowledged and approved.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over MarketFirst Announces Initial Customer availability of MarketFirst Release 2.0 (Hereinafter MarketFirst) in view of Walter et al (US Patent 6,334,110 B1).

MarketFirst shows:

Claim 1. A system for enabling real-time collaboration and workflow management of a marketing campaign within a marketing organization (Page 1, lines 8-11 and page 2, lines 49-51), the marketing organization having a plurality of marketing roles defined therein, the system comprising:

a) a processor for processing computer instructions (Page 3, lines 13-16, wherein "WindowsNt etc. and database" clearly infer reference's utilizing computer which inherently comprise processor for executing requisite programs or instructions);

b) at least one display for displaying information to a respective user in response to the processor (Page 2, lines 59 (visual analysis), 15 (graphical view of all programs) and 2 (graphical program designer) infer the availability of some kind of monitor (display) device. All displays depict information in accordance to processor's command (in response to processor);

c) memory for storing computer instructions (Page 3, lines 15-16 and page 2, line 15. Here, "database" infers some type of storage device (memory), such as HD, CD, Diskette etc., and storage device is inherently used to store programs (instructions) requisite to control and run the computer), the instructions providing for:

d) a role portal component for providing at least two respective role portals corresponding to at least two of the marketing roles within the marketing organization

Art Unit: 3623

(Page 1, lines 20-25, 35-39 and page 2, lines 1-4, and 13-21, wherein "web pages" comprising information (programs, data etc.) needed and employed by cited "marketing executive, professionals or marketing managers" would be shared by any of said users (providing at least two respective role portals: Applicant's spec. page3, lines 3-4 and page 9, lines 18-20); and

In the following element:

e) a workbench component for generating on the at least one display a workbench corresponding to each of the at least two role portals, each workbench permitting a user to access metric and workflow information associated with the corresponding marketing role.

MarketFirst teaches the under noted feature:

at least two role portals and workflow information associated with the corresponding marketing role (as discussed above), yet

MarketFirst does not teach the feature below:

a workbench component for generating on the at least one display.

However, Walter et al teach the same (Fig. 2 (224-Database Marketer Workbench), col. 4, lines 23, 46-48 read with col. 5, lines 54-56. Applicant will appreciate that cited workbench would be used for creating (generating) a display requisite to user or users (as discussed above)). Both MarketFirst and Walter et al relate to marketing research. While MarketFirst relates to web-pages-based marketing system, Walter et al provides a workbench and displaying information to users.

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to incorporate Walter et al's feature into MarketFirst, thereby entailing a system with extended functionality and enhanced utility.

Claims 2 and 30. The system of claim 1 wherein the at least two marketing roles comprises at least a marketing manager role (MarketFirst: Page I, line 17).

Claims 3 and 31. The system of claim 2 wherein the at least two marketing roles further comprises a data analyst role (MarketFirst: Page 2, line 1 (marketing professionals), line 54 (evaluating marketing processes) and line 59 (visual analysis) infer presence of a professional acting as (playing the role of) an analyst).

Claims 4 and 32. The system of claim 3 wherein the at least two marketing roles further comprises an executive role (MarketFirst: Page I, line 37).

Claim 5. The system of claim 1 wherein the at least two marketing roles comprises at least a data analyst role (as discussed in claim 3 above).

Claim 6. The system of claim 5 wherein the at least two marketing roles further comprises an executive role (as discussed in claim 4 above).

Claim 7. The system of claim 1 wherein the at least two marketing roles comprises at least an executive role (as discussed in claim 4 above)

Claims 8 and 19. The system, wherein the workbench corresponding to each of the at least two role portals comprises a plurality of different displayable pages capable of being displayed on one of the at least one display (MarketFirst: Page I, lines 11-13, 37-39, page 2, lines 1-5, 15-19. Applicant will appreciate that web pages would be displayed for cited users who would use them according to their functions (role)).

Claims 9, 20 and 33. The system, wherein the plurality of different displayable pages comprises at least a displayable home page containing at least high-level marketing information (MarketFirst: Inherent, since home page is the first basic one which comprises symbols (boxes, buttons, links etc.) useable for further user's requisite display).

Claims 10, 21 and 34. The system, wherein the plurality of different displayable pages comprises at least a displayable page providing a workflow view of marketing strategies and associated tasks (MarketFirst: Page 1, lines 23-25, wherein citation clearly point to claims limitations).

Claims 11, 22 and 35. The system, wherein the displayable page providing a workflow view further provides access to a workflow software application (As discussed above).

Claims 12 and 23. The system, wherein the displayable page providing a workflow view further identifies and provides access to computer accessible reports that may be used in completing the tasks (MarketFirst: Page 1, lines 23-25, wherein "reporting tools" infer claimed limitation).

Claims 13, 24 and 36. The system, wherein the plurality of different displayable pages includes at least a displayable page for marketing campaign management (MarketFirst: Page 1, lines 23-25 and lines 8-10).

Claims 14, 25 and 37. The system, wherein the displayable marketing campaign management page includes an icon for access to a campaign management software application (Inherent, since symbolic representation (icon) of various objects etc. is a basic practice in web art or technology).

Claims 15 and 26. The system, wherein the displayable marketing campaign management page includes metric data regarding marketing campaigns (MarketFirst: Page 2, lines 51-54, wherein "test" and "evaluate" infer availability of functions to measure or measurable (metric) data).



Art Unit: 3623

Claims 16 and 27. The system, wherein the displayable marketing campaign management page includes information about marketing campaigns (MarketFirst: Page 2, lines 48-51).

Claims 17, 28 and 38. The system, wherein the plurality of different displayable pages includes at least a displayable page for a user to access software applications for performing marketing analysis tasks (MarketFirst: Page 2, lines 47 through page 3, line 3).

Claim 18. A system for enabling real-time collaboration and workflow management of a marketing campaign within a marketing organization, the marketing organization having a plurality of marketing roles defined therein, the system comprising:

- a) a processor for processing computer instructions (See discussion of Applicant's claim 1a) above);
- b) at least one display for displaying information to a respective user in response to the processor (See discussion of Applicant's claim 1b) above);
- c) memory for storing computer instructions (See discussion of Applicant's claim 1c) above), the instructions providing for:
- d) a role portal component for providing respective role portals corresponding to marketing roles within the marketing organization, the marketing roles including at least

Art Unit: 3623

an executive role, a marketing manager role and a data analyst role (See discussion of Applicant's claim 1d) above); and

e) a workbench component for generating on the at least one display a workbench corresponding to each of the role portals, the workbench component for providing access to a workflow software application, a marketing campaign management software application and a marketing analysis software application (See discussion of Applicant's claim 1e) above).

Claim 29. A method of collaborating to create a marketing campaign in a marketing organization having marketing roles, the method comprising:

a) providing a system for enabling real-time collaboration and workflow management of the marketing campaign (MarketFirst: Page 2, lines 10-58 (specifically line 29),

b) the system comprising a processor for a processor for processing computer instructions (See discussion of Applicant's claim 1a) above);

c) at least one display for displaying information to a respective user (See discussion of Applicant's claim 1b) above);

d) memory for storing computer instructions (See discussion of Applicant's claim 1c) above), the instructions providing for,

e) a role portal component for providing at least two respective role portals corresponding to at least two of the marketing roles within the marketing organization (See discussion of Applicant's claim 1d) above); and

f) a workbench component for generating a workbench corresponding to each of the at least two role portals, each workbench permitting a user to access metric and workflow information associated with the corresponding marketing role (See discussion of Applicant's claim 1e) above);

g) according to a first one of the roles and within a first one of the at least two role portals (A discussed above in Applicant's claim 1d), monitoring customer metrics and workflow activities associated with the marketing campaign (MarketFirst: Page 2, line 16, wherein "tracking" function would be used for claimed purpose); and

h) according to a second role and within a second one of the at least two role portals collaborating with the first one of the roles through a second one of the at least two role portals (See discussion of "portal" in Applicant's claim 1d) above and page 2, lines 49-51. Applicant will appreciate that reference's "group collaboration" infers and would be used for claimed limitation).

Claim 39. The system of claim 1, wherein access is restricted to the marketing role of the user as defined by role information of the user (MarketFirst: Page 2, lines 29-34, wherein "web pages providing personalized interaction" and "presenting personalized web pages as per user's {prospect or customer's} individual needs" clearly indicating the provision of "obtaining or accessing information limited or restricted to (personalized) specific users including cited Marketing Manager, sales force personnel etc. (Page 2, lines 7 and 43-46) and the status or role of said users and type or extent of information they would obtain or access ought to have been assigned or defined).

Claim 40. The system of claim 18, wherein access is restricted to the marketing role of the user as defined by role information of the user (MarketFirst: Page 2, lines 29-34, wherein "web pages providing personalized interaction" and "presenting personalized web pages as per user's {prospect or customer's} individual needs" clearly indicating the provision of "obtaining or accessing information limited or restricted to (personalized) specific users including cited Marketing Manager, sales force personnel etc. (Page 2, lines 7 and 43-46) and the status or role of said users and type or extent of information they would obtain or access ought to have been assigned or defined).

Claim 41. The system of claim 29, wherein access is restricted to the marketing role of the user as defined by role information of the user (MarketFirst: Page 2, lines 29-34, wherein "web pages providing personalized interaction" and "presenting personalized web pages as per user's {prospect or customer's} individual needs" clearly indicating the provision of "obtaining or accessing information limited or restricted to (personalized) specific users including cited Marketing Manager, sales force personnel etc. (Page 2, lines 7 and 43-46) and the status or role of said users and type or extent of information they would obtain or access ought to have been assigned or defined).

### ***Response to Arguments***

7. Applicant's arguments filed July 22, 2003 have been fully considered but they are not persuasive.

In the Remarks Applicant argues that:

a) MarketFirst does not teach or suggest: “two respective role portals corresponding to at least two of the marketing roles within the marketing organization”. In this regard, Applicant is reminded that references cannot be attacked individually as per following court law:

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Moreover, in respect to above argument applicant is directed to MarketFirst's page 1, lines 20-39 and page 2, lines 1-46, wherein “web pages” are role portals and being generically recited by the reference encompass claimed “two portals” relating or corresponding to cited users or specific users including marketing executives, managers, sales force personnel etc. {page 1, lines 37-39, page 2, lines 16-21, 29-34 and 43-46. Furthermore, “web pages providing personalized interaction” and “presenting web pages as per user's needs” {page 2, lines 29-34} indicating reference system's capability to providing “access level or obtaining information in accordance with the user's status or role, such as marketing executive would have different status or role and thus different information access level than a manager or sales force personnel. In other words, web pages or role portals provide information in accordance with or corresponding to the requisite level of information access and “users” encompassing any of the two of executive, manager etc. {at least two} of the marketing roles in the organization.

b) MarketFirst allows all users to review without restriction.

For this, applicant is referred to MarketFirst's page 2, lines 29-34, wherein "personalized web pages presenting information as per individual needs" clearly point to reference system's provision of a function that would allow or present information requisite to specific user. In other words, level of obtaining or accessing the information is not the same as allegedly envisaged by the applicant, rather system is capable to providing user(s) with information requisite to his/her status or role in the marketing organization.

c) Walter et al adds nothing to MarketFirst and the combination does not teach or suggest: "a role portal component for providing at least two respective role portals corresponding to at least two of the marketing roles within the marketing organization". Regarding it, as discussed above MarketFirst teaches or suggests the above recited limitation; MarketFirst does not teach "a workbench component for generating on the at least one display". It was where Walter et al was introduced which clearly teaches the said feature (Fig. 2 (224-Database Marketer Workbench), col. 4, lines 23, 46-48 read with col. 5, lines 54-56. Applicant will appreciate that cited workbench would be used for creating (generating) a display requisite to user or users (as discussed above)). As against applicant's allegation, Walter et al do add a feature of providing "a workbench component" and the combination teaches or suggests applicant's invention.

d) Regarding limitations in newly added claims 39-41, applicant is requested to see the claim rejections in the instant Office Action.

In the light of mentioned facts, it is respectfully stated that applicant's arguments have been fully considered, deemed unpersuasive and prior rejection is maintained.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3623

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached on Monday-Friday 11:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization are (703) 872-9326 and for After Final (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



M. Irshadullah  
November 06, 2003



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600